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EXAMINER

WANG, LIANG CHE A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/779,390
Filing Date: February 07, 2001
Appellant(s): FORD ET AL.

MAILED

JUL 26 2007

Technology Center 2100

Philip S. Lyren
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/05/2007 appealing from the Office action mailed 2/06/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,914,571	BARATZ et al.	4-1990
6,889,254	CHANDRA et al.	5-2005

Harry Newton, "Newton's Telecom Dictionary" Eighteenth Edition, pp. 110, 486

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1-10, 12-14, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Baratz et al., US Patent Number 4,914,571, hereinafter Baratz.
3. Referring to claim 1, Baratz teaches in a distributed computer networked system (system 50, figure 1) having at least one service consumer (requestor) and at least one service provider (Col 6 lines 63-68) a method for locating a remote software component (Col 2 lines 13-17) comprising:

- a. generating a request (LOCATE message, Col 5 lines 59-63) for identification of a component having at least one specified attribute (Col 12 lines 17-23) that describes a service performed by the component (Col 12, lines 44-48, Byte 4, bit 0 of the broadcasted LOCATE message, is an indicator that indicates (describes) if the directory service (service) is completed);
- b. broadcasting the request across the network (figure 14D, step 111, Col 20 lines 58-60);
- c. receiving the request at a service provider (Col 20 lines 60-63);
- d. comparing the at least one specified attribute of the received request with component attributes of the service provider (Col 20 lines 60-61, in order for a resource to be located from the broadcast search, each provider must compare with the request to see if it is able to support the request);
- e. communicating a response to the requesting service consumer (Col 20 lines 61-63), wherein the response indicates a location of the requested component associated with the service provider (Col 6 lines 62-68, Col 7 lines 21-23, a positive reply indicates the service provider contains a location of the requested resource).

4. Referring to claim 2, Baratz teaches the method as defined in claim 1, wherein the remote software component is selected from the group consisting of: a service , a resource, an interface, and a program segment (Col 2 lines 15-26, Col 3 lines 65-68);
5. Referring to claim 3, Baratz teaches the method as defined in claim 1, further including the step of formulating a service descriptor that describes attributes for components at the

service provider, the service descriptor being an object that specifies the at least one specified attribute (Figure 4, and Figure 9 LOCATE message; Col 12, lines 44-48, Byte 4, bit 0 of the broadcasted LOCATE message, is an indicator that indicates (describes) if the directory service (service) is completed).

6. Referring to claim 4, Baratz teaches the method as defined in claim 1, wherein the step of broadcasting the request utilizes a multicast protocol for broadcasting the request across the network (Col 20 lines 58-60, broadcasting to all server corresponds to multicast protocol).
7. Referring to claim 5, Baratz teaches the method as defined in claim 1, wherein the network is a local area network (Figure 14C step 90, broadcast search is performed within the domain corresponds to a local area network).
8. Referring to claim 6, Baratz as modified has further taught wherein the network is a wide area network (Figure 14D step 111, broadcast is sent to all servers corresponds to a wide area network).
9. Referring to claim 7, Baratz teaches the method as defined in claim 1, wherein the step of communicating a response utilizing a unicast protocol (Col 6 lines 67-68, reply is returned only to its serving network node).
10. Referring to claim 8, Baratz teaches the method as defined in claim 1, further includes the step of formulating the response by the service provider, the response includes an identification of a network location of the service provider (Col 7 lines 21-23, Figure 4, Col 12 lines 56-58, reply message contains the location of the requested service).

11. Referring to claim 9, Baratz teaches the method as defined in claim 8, further includes the step of directly requesting the component from the service provider by the service consumer, in response to the response received by the service consumer (Col 2 lines 15-17, Col 5 lines 48-53).
12. Referring to claim 10, Baratz teaches the method as defined in claim 8, wherein the step of formulating a response further includes associating response code for interfacing with the requested component, without requiring a driver to be separated installed on the service consumer (Col 6 lines 67-68, positive and negative are viewed as a response code for interfacing with the requested component).
13. Referring to claims 12-15, 17, claims 12-15, 17 encompass the same scope of the invention as that of the claims 1, 4, 8-10. Therefore, claims 12-15, 17 are rejected for the same reason as the claims 1, 4, 8-10.
14. Referring to claim 18, Baratz teaches the system as defined in claim 13, wherein the means for generating a request includes a service finder (Col 12 lines 5-35, LOCATE message includes a locate variable base).
15. Referring to claim 19, Baratz teaches the system as defined in claim 13, further including means for consolidating response and providing the consolidated response to the service consumer (Col 7 lines 21-23, Figure 4)
16. Referring to claim 20, claim 20 encompasses the same scope of the invention as that of the claim 1. Therefore, claim 20 is rejected for the same reason as the claim 1.
17. Referring to claim 21, Baratz teaches in a distributed computer networked system (system 50, figure 1) having at least one service consumer (requestor) and at least one

service provider (Col 6 lines 63-68) a method for locating a remote software component (Col 2 lines 13-17) comprising:

- a. generating a request (LOCATE message, Col 5 lines 59-63) for identification of a component having at least one specified attribute (Col 12 lines 17-23) that describes a service performed by the component (Col 12, lines 44-48, Byte 4, bit 0 of the broadcasted LOCATE message, is an indicator that indicates (describes) if the directory service (service) is completed);
- b. broadcasting the request across the network (figure 14D, step 111, Col 20 lines 58-60);
- c. receiving the request at each of a plurality of service providers on the network (Col 20 lines 60-63);
- d. comparing, at each of the plurality of service providers, the at least one specified attribute of the received request with component attributes of the service provider to identify a matching component (Col 20 lines 60-61, in order for a resource to be located from the broadcast search, each provider must compare with the request to see if it is able to support the request); and
- e. communicating, from each of the plurality of service providers, a response to the requesting service consumer (Col 20 lines 61-63), wherein the response indicates a location of the requested component associated with the service provider (Col 6 lines 62-68, Col 7 lines 21-23, a positive reply indicates the service provider contains a location of the requested resource).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
19. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratz, in views of Chandra et al., US Patent Number 6,889,254, hereinafter Chandra.

20. Referring to claim 11, Baratz teaches the method as defined in claim 10.

Baratz does not teach the response code includes a Java code in a form of stub object.

However, Chandra teaches that it the response to a query request could be a JAVA code (Col 5 lines 28-31).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the response with JAVA code of Chandra in Baratz at because both Chandra and Baratz teaches information retrieval across a distributed network (Chandra, Col 1 lines 5-12, Baratz Col 1 lines 20-24).

A person with ordinary skill in the art would have been motivated to make the modification to Baratz because it allows application programs to be constructed that can execute on any computer platform without having to be rewritten or recompiled by the programmer, to save time and resources.

21. Referring to claim 16, claim 16 encompass the same scope of the invention as that of the claim 11. Therefore, claim 16 is rejected for the same reason as the claim 11.

(10) Response to Argument

Appellant argues:

- a. Claim 1 recites generating a request that describes a service performed by the component being requested. Does the broadcast in Baratz “describes a service” being requested? Baratz does not. Nowhere does Baratz state that byte 4, bit 0 “describes a service” performed by the component being requested.
- b. Claim 1 recites generating a request having an attribute that describes a service performed by the component being requested. This attribute is compared with attributes of a service provider to identify a matching component. Baratz does not teach these elements.
- c. Baratz never states that the broadcast is multicast.

Response to arguments:

- d. In response to applicant’s argument a, Baratz teaches a request for finding a target resource in a network (Col 1 lines 21-23), and the request contains information (figure 2, Byte 4-N) that identifies a component (Col 12 lines 17-23, data about origin resource) and describes the resources (Col 12 lines 17-23, resource type and name). The Examiner views the information which describes the resource as “that specified attribute that describes a service performed by the component.” Byte 4, bit 0 is just a part of the specified attribute that the examiner used to demonstrate an example of how the specified attribute describes the service. Furthermore, appellant states “Claim 1 recites generating a request that describes

a service performed by the component being requested.” However, the present claim recites “generating a request that describes a service performed by the component” not “Claim 1 recites generating a request that describes a service performed by the component ***being requested.***” The term “being requested” cannot be found in the claim.

- e. In response to applicant’s argument b, Baratz teaches the information (figure 2) which describes the resource as “that specified attribute that describes a service performed by the component.” And Baratz further teaches the LOCATE message is used to locate resources, and a decision block 112 that determines whether or not the resource was found. Again, the invention of Baratz teaches a request for finding a target resource in a network (Col 1 lines 21-23), and a comparing and matching of request and the requested resource is required to allow a determination of whether a resource is found. Therefore, Baratz teaches a attribute is compared with attributes of a service provider to identify a matching component
- f. In response to applicant’s argument c, according to Newton’s Telecom Dictionary, the definition of multicast is “the broadcast of message”, and the definition of multi-casting is “the ability of one network node to send identical data to a number of end points – known as **broadcast** in other circles.” And the definition of broadcast is “to send information to two or more receiving devices”. Therefore the Examiner alleges the Baratz’s broadcast is the same as the multicast in claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

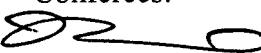
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

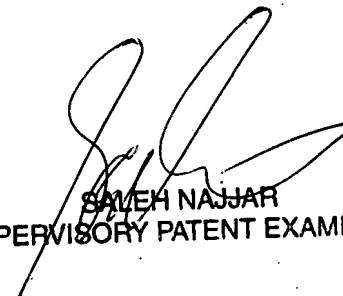
Liangche Alex Wang 

July 13, 2006

Conferees:


Lynne Browne

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SUPERVISORY PATENT EXAMINER